IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.5384 OF 2004

Dr.(Smt.) Ratnaprabha V. Bhise).. Petitioner

Versus

The State of Maharashtra and others).. Respondents

Mr.Dilip Bodake for the Petitioner.

Mr.A.P.Vanarse, A.G.P. for Respondent Nos.1 to 4.

Mr.A.S.Pratinidhi h/f Mr.Borwankar for Respondent No.5.

CORAM: H.L. GOKHALE AND
SMT.NISHITA MHATRE, JJ.

DATED: 22ND SEPTEMBER 2004

P.C.:

1. Heard Mr.Bodake for the Petitioner. Mr.Vanarse appears for Respondent Nos.1 to 4. Mr.Anirudha Pratinidhi appears for Respondent No.5.

2. The Petitioner herein has worked in different Colleges from 10th September 1964 onwards as a Lecturer in Science. At times she has worked in the Junior Colleges and at times in the Senior Colleges on leave vacancy. It appears that she is in continuous service from 1st July 1978 onwards in the Fergusson College run by Respondent No.5 educational Society though with breaks even in that service. It is also seen from the Petition that after she worked in the Shivaji Vidyaprasarak

Sanstha's Science College at Dhule from 10th September 1964 to 14th June 1973, she went ahead to complete her P.hd. This led to a break of more than two years and she joined in another Junior College at Pune on 2nd August 1975. Finally she has retired from the Fergusson College at the end of November 2000. She has been receiving her pension though only the last part of her service i.e. from 18th July 1983 onwards is considered valid for this pension and her pension is fixed accordingly.

3. The grievance of the Petitioner is that her earlier service from 10th September 1964 onwards until 18th July 1983 is not considered and thereby the pension fixed is much less than what ought to be fixed. She has made representations to various authorities of the State Government and Director of Education and it appears that the Director of Education, Pune, has recommended her case for being considered favourably by his letter dated 6th January 1994. That was for condoning the first break from 15th June 1973 to 1st August 1975.

4. Mr.Bodake, learned Counsel appearing for the Petitioner, submits that the Petitioner will be satisfied if the Secretary, General Education, decides her representation dated 21st October 2002 at the earliest and after giving her an opportunity to make her representation and after giving a hearing. Mr.Vanarse

appearing for Respondent Nos.1 to 4 has no objection to this particular prayer which is prayer clause (c) in the present Petition. This being the appropriate way out, we direct the Respondent No.1 to afford a hearing to the Petitioner at the earliest. Hearing will be given by the Secretary, General Education and he will consider her representation dated 21st October 2002 appropriately. We expect the Secretary to take into consideration the fact that the first break in service i.e. during June 1973 to August 1975 occurred since the Petitioner had proceeded to get her educational qualifications enhanced. The Secretary will also take into consideration the circumstances wherein the subsequent breaks were caused. The Secretary will issue a notice to the Petitioner within two weeks from the receipt of the authenticated copy of this order and thereafter decide the representation at the earliest and preferably within eight weeks thereafter.

5. Petition stands disposed of.

6. Parties to act on an authenticated copy of this order.

(H.L. GOKHALE, J.)

(SMT.NISHITA MHATRE, J.)